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22852

7590

02/02/2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

TV, BACKHEAN

ART UNIT

PAPER NUMBER

2451

DATE MAILED: 02/02/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/690,007

10/17/2000

Harry W. Morris

10587.0338-00000

1832

TITLE OF INVENTION: DISPLAYING ADVERTISEMENTS IN A COMPUTER NETWORK ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	05/02/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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22852 7590 02/02/2011

**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413**

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/690,007 10/17/2000 Harry W. Morris 10587.0338-00000 1832

TITLE OF INVENTION: DISPLAYING ADVERTISEMENTS IN A COMPUTER NETWORK ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	05/02/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
TIV, BACKHEAN	2451	709-224000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,007	10/17/2000	Harry W. Morris	10587.0338-00000	1832
22852	7590	02/02/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			TV, BACKHEAN	
			ART UNIT	PAPER NUMBER
			2451	
DATE MAILED: 02/02/2011				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 802 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 802 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/690,007

Applicant(s)

MORRIS ET AL.

Examiner

BACKHEAN TIV

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments filed on 10/29/10.
2. ☒ The allowed claim(s) is/are 1-28, 55-57 and 64-75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/13/11
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451

Detailed Action

Claims 1-28, 55-57, 64-75 are pending. Claims 29-54, 58-63 have been cancelled. This is a response to the Amendments filed on 10/29/10.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/13/11 has been considered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Stein(Reg 63782) on 1/19/11.

Please amend the claims as follow, this listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A method of presenting advertising to viewers in a computer network environment, the method comprising: monitoring a viewer's interactions with an associated computer system; and based on the ~~the~~ viewer's monitored interactions, varying a first amount of display time for which a later displayed advertisement is to be

displayed on the viewer's associated computer system, the first amount of display time being different than a second amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system.

2. (Previously presented) The method of claim 1, further comprising adjusting an ad expiration tuning parameter configured to set a quantity of time for which an advertisement is available for display.

3. (Previously presented) The method of claim 1, further comprising adjusting a maximum display count configured to set a maximum number of times to display an advertisement to a user viewing a batch of ads.

4. (Previously presented) The method of claim 1, wherein varying the first amount of display time for which the later displayed advertisement is displayed comprises adjusting a minimum display time configured to set a minimum amount of time to display the later displayed advertisement before another advertisement is displayed.

5. (Previously presented) The method of claim 1, wherein further comprising adjusting an idle delay configured to cause a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement.

6. (Previously presented) The method of claim 1, further comprising adjusting an active

delay configured to cause a delay from the time a user goes active before displaying another advertisement.

7. (Previously presented) The method of claim 1, further comprising adjusting an idle (no spin) parameter configured to stop the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle.

8. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a use of a computer mouse.

9. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a use of a computer keyboard.

10. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring an auditory signal.

11. (Previously presented) The method of claim 10, wherein the auditory signal is the viewer's voice.

12. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a maximization and a minimization status of a screen displaying advertising.

13. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a viewer's use of a device that sends an input, or causes an input to be sent, to the associated computer system.

14. (Previously presented) The method of claim 1, wherein the timing of displayed advertisements on a screen displaying advertising is configured to not switch between advertisements if the screen displaying advertisements is minimized or occluded.

15. (Currently Amended) A computer-readable storage medium device storing a program for presenting advertising to viewers in a computer network environment, the program comprising: a monitoring code segment that cause a computer to monitor a viewer's interactions with an associated computer system; and an adjusting code segment that, based on the viewer's monitored interactions determined amount of time, causes the computer to vary a first amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system, the varied first amount of display time being different than a second amount of display time

for which the later displayed advertisement is to be displayed on another viewer's associated computer system.

16. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the adjusting code segment further causes the computer to adjust an ad expiration tuning parameter that sets the quantity of time for which an advertisement is available for display.

17. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the adjusting code segment further causes the computer to adjust a maximum display count that sets a maximum number of times to display an advertisement to any individual user viewing a batch of advertisements.

18. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the adjusting code segment causes the computer to adjust a minimum display time that sets a minimum amount of time to display an advertisement before another advertisement is displayed.

19. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the adjusting code segment further causes the computer to adjust an idle delay that causes a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement.

20. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the adjusting code segment further causes the computer to adjust an active delay that causes a delay from the time a user goes active before displaying another advertisement.

21. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the adjusting code segment further causes the computer to adjust an idle (no spin) parameter that stops the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle.

22. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an associated computer system by monitoring a use of a computer mouse.

23. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an associated computer system by monitoring a use of a computer keyboard.

24. (Currently Amended) The computer-readable storage medium device of claim 15,

wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an associated computer system by monitoring a maximization and a minimization status of a screen displaying advertising.

25. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an associated computer system by monitoring a viewer's use of a device that sends an input, or causes an input to be sent, to the associated computer system.

26. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's auditory interactions with an associated computer system by monitoring auditory signals.

27. (Currently Amended) The computer-readable storage medium device of claim 26, wherein the auditory signal is the viewer's voice.

28. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the timing of displayed advertisements on a screen displaying advertising is configured to not switch between advertisements if the screen displaying advertisements is minimized or occluded.

29-54. (Canceled).

55. (Previously presented) A method of optimizing a click-through rate of a user viewing content in a computer network environment, the method comprising: downloading advertisements and a set of tuning parameters to a user's computer, wherein the set of tuning parameters are configured to cause a display of a first advertisement on the user's computer to be changed to a display of another advertisement on the user's computer by varying a first amount of display time for which the later displayed advertisement is to be displayed based on a user's activity with respect to the user's computer, the varied first amount of display time being different than a second amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system; storing click-through information for the advertisements; and sending the click-through information to a host computer.

56. (Previously presented) The method of claim 55, further comprising: varying the tuning parameters downloaded to the user's computer; and utilizing a correlation technique to determine a correlation between the tuning parameters downloaded to the user's computer and a click-through rate of the user.

57. (Previously presented) The method of claim 56, further comprising setting another

set of tuning parameters based on the correlation between the tuning parameters and the user click-through rate.

58-63. (Canceled).

64. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system includes continually monitoring, during operation of the associated computer system, the viewer's interactions with the associated computer system.

65. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system includes monitoring the viewer's interactions with the associated computer system that are unrelated to a manual adjustment of the timing of the displayed advertisements.

66. (Previously presented) The method of claim 1, wherein adjusting the timing of the later displayed advertisements includes varying lengths of time during which the advertisements are displayed on an advertisement-by-advertisement basis.

67. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the monitoring code segment causes the computer to monitor continually,

during operation of the associated computer system, the viewer's interactions with the associated computer system.

68. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the monitoring code segment causes the computer to monitor continually, during operation of the associated computer system, the viewer's interactions with the associated computer system that are unrelated to a manual adjustment of the timing of the displayed advertisements.

69. (Currently Amended) The computer-readable storage medium device of claim 15, wherein the adjusting code segment causes the computer to adjust the timing of the later displayed advertisements by varying lengths of time during which the advertisements are displayed on an advertisement-by-advertisement basis.

70. (Previously presented) The method of claim 55, wherein the tuning parameters are configured to vary lengths of time during which the advertisements are displayed on an advertisement-by-advertisement basis.

71. (Previously presented) The method of claim 1 wherein monitoring a viewer's interactions comprises monitoring a viewer's interactions other than interactions indicating an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

72. (Previously presented) The method of claim 1 monitoring a viewer's interactions comprises monitoring a viewer's interactions with an application operating on the viewer's associated computer system, the application being other than an application for indicating the first amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

73. (Currently Amended) The computer-readable storage medium device of claim 15 wherein the monitoring code segment causes the computer to monitor a viewer's interactions other than interactions indicating the first amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

74. (Currently Amended) The computer-readable storage medium device of claim 15 wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an application operating on the viewer's associated computer system, the application being other than an application for indicating the first amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

75. (Previously Presented) A method of displaying advertisements to users, the method comprising: accessing data related to a particular user's interactions with a computer

system used by the particular user; based on the accessed data related to the particular user's interactions with the computer system used by the particular user, determining an amount of time to display advertisements to the particular user; identifying an advertisement to be displayed to the particular user; accessing, from electronic storage, advertisement display attributes configured to control display of the identified advertisement, the advertisement display attributes including a general timing attribute that indicates an amount of time to display the advertisement to users; adjusting the general timing attribute based on the determined amount of time to display advertisements to the particular user; associating the adjusted general timing attribute with the advertisement to be displayed to the particular user as a user-specific timing attribute that indicates the amount of time to display the advertisement to the particular user; and causing a display of the advertisement to the particular user on the computer system used by the particular user such that the advertisement is displayed for the amount of time indicated by the user-specific timing attribute.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

As per claims 1-28, 55-57, 64-74, the prior art does not teach, varying a first amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system based upon viewer's monitored interactions/user's activity, the first amount of display time being different than a second

amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system.

As per claim 75, the prior art does not teach, displaying advertisements to users, the method comprising: accessing data related to a particular user's interactions with a computer system used by the particular user; based on the accessed data related to the particular user's interactions with the computer system used by the particular user, determining an amount of time to display advertisements to the particular user; identifying an advertisement to be displayed to the particular user; accessing, from electronic storage, advertisement display attributes configured to control display of the identified advertisement, the advertisement display attributes including a general timing attribute that indicates an amount of time to display the advertisement to users; adjusting the general timing attribute based on the determined amount of time to display advertisements to the particular user; associating the adjusted general timing attribute with the advertisement to be displayed to the particular user as a user-specific timing attribute that indicates the amount of time to display the advertisement to the particular user; and causing a display of the advertisement to the particular user on the computer system used by the particular user such that the advertisement is displayed for the amount of time indicated by the user-specific timing attribute.

The prior art of US Patent 6,108,637 issued to Blumenau, Abstract, teaches monitoring of the displayed content to produce monitoring information from which conclusions can be deduced and updated or tailored content can be provided. In further,col.7, lines 4-30, teaches monitoring the position of the content display on the

display screen, and a determination is made to how attentive the observer was to the content.

The prior art of US Patent 7,020,690 issued to Haitzuka et al., Abstract,col.12, lines 18-col.13, line 28, teaches displaying advertisement while a user is accessing an online service, in which the user receives a playlist from an online service provider with information on which advertisement to be played and the order, and monitoring the user's interaction with respect to the online service, and the client application. If the user has not interacted with the online service within a predetermined time span, then a message is displayed notifying the user. During user's interaction with the online keywords, such as automobile, then an advertisement would be displayed related to the service provider, the user is monitored, for instance if the user searches for certain keyword, e.g.certain sales for automobile.

Blumenau and Haitzuka are both different than claims 1-28, 55-57, 64-74, as both of the prior art does not teach, having a display time for an advertisement, then adjusting a later advertisement display time based upon a user's monitored interaction/user's activity, this later advertisement display time being different from another's user's later advertisement display time.

Blumenau and Haitzuka are both different than claim 75, as both prior art does not teach, accessing data related to a particular user's interactions and based upon this user's interaction data, an amount of display time for an advertisement is determine, this determined amount of display time is then adjusted, and the adjusted amount of time is used to display the advertisement.

In further please also see arguments presented in the Appeal Brief filed on 12/1/08, the Oral Hearing held on 4/20/10 and the Board's Decision rendered on 5/4/10.

Note: The computer readable storage medium device of claims 15-28, 67-69, 73,74 is deemed to be statutory, based upon the application's specification, page 32, lines 7-13, in which the computer readable storage medium device is EPROM, EEPROM, flash, CD, etc, which is hardware, and not non-transitory medium/wave/signal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/

Examiner, Art Unit 2451